

Exhibit E

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4 BY MR. ONUFRAK:

5 Q. Good morning, Mr. Graham. As you know, my name
6 is Michael Onufrak, attorney with White & Williams,
7 representing Crawl Space Door System, Inc. With me is
8 my colleague, Siobhan Cole. We're going to take your
9 deposition this morning as the corporate representative
10 of Smart Vent.

11 Do you understand you are one of the corporate
12 representatives of Smart Vent?

13 A. Yes.

14 Q. Have you ever been through a deposition before?

15 A. No.

16 Q. I'm going to ask you the questions. Let me
17 finish the question and then give an answer. When you
18 give an answer, try to make sure it's oral. Keep your
19 hand away from your mouth and give an oral answer
20 instead of saying uh-huh because she can only take down
21 yes or no or whatever your answer might be.

22 A. Okay.

23 Q. So we have a lot of material to cover and many
24 different topics, so we're going to proceed slowly at
25 first until we get the hang of it so we can get as

1 Q. That was done for Crawl Space Door vents?

2 A. It was done for our vent. It was done for
3 Crawl Space Door vents, and any time we find something
4 that we want to measure, we use that technique because
5 it's the most accurate.

6 Q. Has that technique been used on all the 50 or
7 so nonengineered vents that you've found?

8 A. No, because it's stamped on the face of all but
9 Crawl Space Doors, I think.

10 Q. Are there any other engineers employed by the
11 company?

12 A. No.

13 Q. You mentioned consulting engineers. Are there
14 consulting engineers who are employed on a regular
15 basis by the company?

16 A. No. Well, actually one, Ed Novack was an
17 engineer that we -- before we brought -- Jim has been
18 with us for many a year. Ed Novack that did a lot of
19 our AutoCAD, he wasn't involved in any of this.

20 Q. How many consulting engineers has the company
21 employed, say, in the last five years?

22 A. I'm thinking maybe eight.

23 Q. Have any of them been employed to look at Crawl
24 Space Door vents?

25 A. Yes.

1 Q. Who are they?

2 MR. DiMARINO: With the exception of the
3 individual we discussed, you can answer that question.

4 THE WITNESS: Okay. Bill Coulbourne.

5 BY MR. ONUFRAK:

6 Q. How do you spell that?

7 A. C-o-l-b-o-u-r-n. And so I would say just Bill.

8 Q. How about Rebecca Quinn?

9 A. No.

10 Q. Has the company employed her as a consulting
11 engineer?

12 A. Yes.

13 Q. On what occasions?

14 A. Back when we first started our business, she
15 was very knowledgeable in both the NFIP and the
16 building code requirements, and so in 2002 and '03 --
17 2001, maybe as far back as then, we would ask for her
18 assistance to help us understand the rules on
19 certification process, the building code and the NFIP
20 requirements.

21 Q. But she was not employed to look at Crawl Space
22 Doors' vents?

23 A. Correct.

24 Q. What specifically did Mr. Coulbourne do with
25 regard to Crawl Space Door vents?

1 A. If I remember correctly, and we do a lot of
2 stuff, I think that we asked him to confirm our
3 measurements.

4 Q. What time period would he have confirmed those
5 measurements?

6 A. I'm not sure.

7 Q. Could you give a reasonable estimate?

8 A. I'm going from the documents that I've read,
9 going back, you know, I'm going to say, I don't know, I
10 could say 2005, but I'm not sure.

11 Q. Let me hand you what we'll mark for
12 identification as Smart Vent-5, which is the answers to
13 Defendant's Second Set of Interrogatories.

14 (Document marked for identification as
15 Smart Vent Deposition Exhibit No. 5.)

16 BY MR. ONUFRAK:

17 Q. Let me direct your attention to Interrogatory
18 Number 22, which is on Page 11. It refers there to
19 something called Smart Vent's Non-Engineered Opening
20 Guide, Volume 1, dated January 2015.

21 Are you familiar with that document?

22 A. Yes.

23 Q. And it says there, "the vent located at the
24 bottom of Page 8 was included as an example of a
25 nonengineered opening found in the field."

1 hired by Crawl Space Doors; isn't that correct?

2 A. Yes.

3 MR. ONUFRAK: Now, I'm going to skip a
4 whole lot of e-mails here I think were for Topic 2,
5 because they're all in Mr. Little's name, so I'm going
6 to ask him later. So if we have to go back to
7 Mr. Graham, I know you won't object, but I want to keep
8 moving along.

9 MR. DiMARINO: Okay.

10 BY MR. ONUFRAK:

11 Q. Turning to Topic Number 3, it refers to
12 Architectural Testing, Inc.

13 Are you familiar with that company?

14 A. Yes.

15 Q. What is that company?

16 A. They are a company certified by the ICC-ES to
17 conduct and oversee testing for evaluations with
18 building products.

19 Q. That is a prestigious company; is it not?

20 A. I suspect it is.

21 Q. Has Smart Vent ever done business with ATI?

22 A. Yes.

23 Q. On what occasions?

24 A. Multiple occasions. They did our first -- they
25 witnessed and performed our first -- all of our

1 This really isn't my -- this isn't what I do so I'm
2 going from my --

3 BY MR. ONUFRAK:

4 Q. Sure about what?

5 A. That we took off the word only because the term
6 FEMA accepted has always been an acceptance by FEMA in
7 writing that our product was accepted. That's what
8 FEMA tells us to use as a term, meaning FEMA accepted,
9 but we're not going to say that Flood Flaps is not FEMA
10 accepted, because they certainly have done everything
11 correctly.

12 Q. How is it that FEMA accepted the Smart Vent
13 products?

14 A. So in around 2000 we went to FEMA and said,
15 and, obviously, I didn't know anything about the flood
16 vent business, we went to them and we went to the
17 building officials and building code and said what do
18 we need to do to test and certify the product, and they
19 said we do not test products. You need to go to a --
20 and they gave us a very clear -- and there's a letter
21 from Cliff Oliver, I think, that outlined in 2000 or
22 1999 the path to have FEMA accept our product, and that
23 was that we have to get an evaluation, a formal
24 evaluation done, and then we followed that to the T,
25 and it took us two years, but then we asked for a

1 A. Yes.

2 Q. What other competitors, if any, are there?

3 A. So I'd say that's those.

4 Q. To the best of your knowledge at this time
5 there's five competitors, Smart Vent, Flood Solutions,
6 Crawl Space Doors, Cooke and USA Flood Vents?

7 A. Flood Flaps put on there.

8 Q. Flood Flaps.

9 Now, the expert on Page 23 says she could not
10 find any available market share data for this
11 particular product.

12 A. For which particular product?

13 Q. Flood vents. She says on Page 23, "I performed
14 independent research to identify any publicly available
15 market share data or industry publications relating to
16 engineered or nonengineered flood vents. I was unable
17 to identify any relevant market share information for
18 these products."

19 She goes on to say, "I spoke to Mr. Graham and
20 learned that he agrees that industry market share data
21 is unavailable for flood vents."

22 Is that right?

23 A. I would say yes.

24 Q. And it says, "It is his belief that subsequent
25 to the entry of additional competitors into the market

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